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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/597,549	09/03/2008	Richard M. Woundy	007412.00135	2599

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EXAMINER

KAY, MARY ANNE

ART UNIT	PAPER NUMBER
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2426

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/597,549	Applicant(s) WOUNDY ET AL.	
	Examiner MARY ANNE KAY	Art Unit 2426	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 June 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/8/2008</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-21 are pending in this application.

“Medium” Interpretation

2. From the specification, the Examiner has determined that the Applicant in accordance with statutory requirements, does not define “medium”. The Examiner interprets the term “medium” to be a computer readable medium (hardware disk) that stores computer instructions.

Claim Rejections - 35 USC § 102

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-5, 8-12 and 15-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Burns et al. (U.S. Patent 6,275,496, referred to as **Burns**).

Claim 1

Burns anticipates:

providing a policy to a headend IT infrastructure, the policy defining policy limits for transactions that normally require real-time access to the central database (**Burns** C8:23-33); and

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handling real-time transactions with the headend IT infrastructure, without real-time access to the central database, in accordance with the policy limits (**Burns** C8:23-33, C10:48-58).

Claims 2, 9

Burns anticipates:

handling non-real-time transactions at least partially with the back office IT infrastructure (**Burns** C8:26-33).

Claims 3, 10

Burns anticipates:

handling real-time transactions at least partially with the back office IT infrastructure, with real-time access to the central database, for real-time transactions that fall outside of the policy limits (**Burns** C8:23-28).

Claims 4, 11

Burns anticipates:

determining an availability of access to the central database from the headend facility (**Burns** C1:50-C2:3, C11:40-48); and

in the event that access to the central database is unavailable, handling real-time transactions with the headend IT infrastructure, without real-time access to the central database, in accordance with the policy limits, thereby providing failsoft headend facility operation (**Burns** C8:26-33, C10:48-58).

Claims 5, 12, 19

Burns anticipates:

wherein at least one of the headend facilities is for a cable television system
(**Burns** Fig. 2, el. 52; C6:9-13).

Claim 8

Burns anticipates:

for each headend facility, providing a policy to the associated headend IT infrastructure, the policy defining policy limits for transactions that normally require real-time access to the central database (**Burns** C8:23-33); and
for each headend facility, in the event that access to the central database is unavailable, handling real-time transactions with the associated headend IT infrastructure, without real-time access to the central database, in accordance with the associated policy limits, thereby providing failsoft headend facility operation (**Burns** C8:33-40).

Claim 15

Burns anticipates:

a plurality of headend facilities (**Burns** C4:49-59);
a central facility including a central database (**Burns** C1:29-49);
a distributed information technology (IT) architecture wherein a back office IT infrastructure is located at the central facility and wherein each headend facility includes a headend IT infrastructure (**Burns** C4:49-59); and
wherein at least one headend IT infrastructure is provided with a policy defining policy limits for transactions that normally require real-time access to the central database, and is programmed to handle real-time transactions,

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without real-time access to the central database, in accordance with the policy limits (**Burns** C8:23-33).

Claim 16

Burns anticipates:

the at least one headend IT infrastructure is programmed to handle non-real-time transactions at least partially with the back office IT infrastructure (**Burns** C8:23-33).

Claim 17

Burns anticipates:

the at least one headend IT infrastructure is programmed to handle real-time transactions at least partially with the back office IT infrastructure, with real-time access to the central database, for real-time transactions that fall outside of the policy limits operation (**Burns** C9:42-52. Examiner interprets this hyperlink storage as not including additional web hyperlinks referred to on the web page. Only audio and video links are described).

Claim 18

Burns anticipates:

the at least one headend IT infrastructure is programmed to determine an availability of access to the central database (**Burns** C1:50-C2:3, C11:40-48), and in the event that access to the central database is unavailable, handle real-time transactions, without real-time access to the central

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database, in accordance with the policy limits, thereby providing failsoft headend facility (**Burns** C8:23-33).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6-7, 13-14 and 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Burns** in view of Lloyd et al. (U.S. PGPub 2005/0102297, referred to as **Lloyd**).

Claims 6, 13, 20

Burns fails to teach:

wherein the central database is realized as a relational database.

Lloyd teaches:

wherein the central database is realized as a relational database (**Lloyd** ¶ 812).

Rationale:

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of **Burns** with the database type as taught by **Lloyd** providing a distributed object-oriented directory database

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reflecting "many to one" relationships of elements within a directory object class and the instantiations of that class within a named hierarchical structure.

Claims 7, 14, 21

Burns fails to teach:

wherein the central database is realized as an LDAP/X.500 directory.

Lloyd teaches:

wherein the central database is realized as an LDAP/X.500 directory (**Lloyd ¶ 812**).

Rationale:

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of **Burns** with the directory type as taught by **Lloyd** providing per this standard a distributed object-oriented directory database reflecting "many to one" relationships of elements within a directory object class and the instantiations of that class within a named hierarchical structure.

Examination Considerations

6. The claims and only the claims form the metes and bounds of the invention.

"Office personnel are to give the claims their broadest reasonable interpretation in light of the supporting disclosure. *In re Morris*, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the

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claim should not be read into the claim. *In re Prater*, 415 F.2d 1393, 1404-05, 162

USPQ 541, 550-551 (CCPA 1969) (MPEP p 2100-8, c 2, I 45-48; p 2100-9, c 1, I 1-4).

The Examiner has full latitude to interpret each claim in the broadest reasonable sense.

Examiner will reference prior art using terminology familiar to one of ordinary skill in the art. Such an approach is broad in concept and can be either explicit or implicit in meaning.

7. Examiner's Notes are provided with the cited references to prior art to assist the applicant to better understand the nature of the prior art, application of such prior art and, as appropriate, to further indicate other prior art that maybe applied in other office actions. Such comments are entirely consistent with the intent and spirit of compact prosecution. However, and unless otherwise stated, the Examiner's Notes are not prior art but a link to prior art that one of ordinary skill in the art would find inherently appropriate.

8. Unless otherwise annotated, Examiner's statements are to be interpreted in reference to that of one of ordinary skill in the art. Statements made in reference to the condition of the disclosure constitute, on the face of it, the basis and such would be obvious to one of ordinary skill in the art, establishing thereby an inherent prima facie statement.

9. Examiner's Opinion: ¶¶ 6.-8. apply. The Examiner has full latitude to interpret each claim in the broadest reasonable sense.

Conclusion

10. The prior art of record and not relied upon is considered pertinent to Applicant's disclosure.

- Herzenberg et al., U.S. PGPUB 2002/0049782 A1 I
- Liming, U.S. PGPUB 2002/0055924 A1 I Liming
- Handler et al., U.S. PGPUB 2001/0019559 A1 I
- Russell et al., U.S. PGPUB 2002/0069420 A1 I
- Hendricks et al., U.S. Patent 6,201,536 B1 I

11. Claims 1-21 are rejected.

Correspondence Information

12. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to MARY ANNE KAY whose telephone number is (571)270-5677. The Examiner can normally be reached on Monday - Friday, 8:00 AM - 5:00 PM, EST.

As detailed in MPEP 502.03, communications via Internet e-mail are at the discretion of the Applicant. Without a written authorization by Applicant recorded in the Applicant's file, the USPTO will not respond via e-mail to any Internet correspondence which contains information subject to the confidentiality requirement as set forth in 35 U.S.C. 122. A paper copy of such correspondence will be placed in the appropriate

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patent application. The following is an example authorization which may be used by the Applicant:

Notwithstanding the lack of security with Internet Communications, I hereby authorize the USPTO to communicate with me concerning any subject matter related to the instant application by e-mail. I understand that a copy of such communications related to formal submissions will be made of record in the applications file.

If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Joseph Hirl can be reached on (571)272-3685. Any response to this office action should be mailed to:

Commissioner of Patents and Trademarks,
Washington, D. C. 20231;

Hand delivered to:

Receptionist,
Customer Service Window,
Randolph Building,
401 Dulany Street,
Alexandria, Virginia 22313,
(located on the first floor of the south side of the Randolph Building);

or faxed to:

(571)273-8300 (for formal communications intended for entry).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mary Anne Kay
Examiner

/Joseph P. Hirl/
Supervisory Patent Examiner, Art Unit 2426
August 12, 2009